

Remarks/Arguments:

This is a request for reconsideration of the final rejection dated February 9.

Applicant still disagrees that the teaching of Fujiewara and Berson would render obvious the present invention. The reason for this is that, according to applicant's understanding, Berson fails to disclose or suggest "an ink comprising a material-based security element ... " as recited in claim 19.

It appears that the examiner construes the technical term "material-based security element" to mean merely any material having, e.g., some luminescence property. However, applicant respectfully submits that this interpretation does not correspond to the meaning of the term in the relevant technical art. The competent skilled person understands this technical feature to mean "an element including a material of which a characteristic property relating to its specific nature and proportion allows materially authenticating the marked item by merely detecting said characteristic property".

This material's characteristic property constitutes a material signature of the marking. An example of a characteristic property of a material is its specific emission and/or absorption spectrum which allows identifying its presence in the marking (among other materials), independently of any information in the marking. In other words, a material-based security element is a particular material which is incorporated into the security document and is identifiable by a characteristic property it exhibits, allowing concluding the presence of this very material.

Berson clearly fails to disclose any such material-based authentication of the marking, and discloses only using a time lag between an excitation of an emitter (phosphorescent pigment) and a corresponding response of the emitter to read marked information, (see Berson, column 1, lines 8 to 11, and column 2, line 19) without any noise contribution from the excitation source.

Many phosphorescent pigments have a time lag sufficient for allowing a switching operation of the light source, and thus could be used in Berson's ink (see the two examples given by Berson, column 3, lines 3 to 6). Therefore, the time lag of Berson's pigments is not sufficient to enable one to determine the presence of a particular material in said ink. The feature referred to by Berson is not specific enough for the detection of a particular material. Therefore, Berson does not teach the use of a material-based security element, which – as pointed out above – is understood to be a particular material the presence of which can be unambiguously detected.

Berson uses the luminescence only for improving a signal/noise ratio in detecting indicia, but not the use of luminescence for identifying to luminescent compound itself. Berson is silent about this. In fact, the scanning method disclosed by Berson only relates to information-based security marking (i.e. detection of information in the barcode and/or indicia) as the global luminescence/time lag property of the pigments cannot by itself enable one to authenticate the marking.

Applicant therefore respectfully disagrees with the examiner's opinion that the invisible ink including a luminescent material exhibiting time lag, in a method for reading marked information with improved signal/noise ratio, as disclosed by Berson, can be interpreted as a material-based security element.

In consequence, even by combining the prior art documents of Fujiwara and Berson, a skilled person would not arrive at the invention defined by the currently pending claims. It is therefore respectfully requested that a notice of allowance be issued in the present case.

Respectfully submitted,

/Charles Fallow/

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